

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8660 of 2023

Arising Out of PS. Case No.-4538 Year-2021 Thana- PATNA COMPLAINT CASE District-
Patna

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DR. SWETA DEO @ SWETA DEO Wife of Dr. Nikhil Kumar Resident of
Flat No.- 3, First Floor, Lalmani Sadan, Mohanpur, Punai Chak, P.S.- Shastri
Nagar, District - Patna At present Resident of the house of Shree Gautam
Lamba, Muhalla - Dahi Gaura, Behind Ram Krishna Math, P.S.- Ghatshila,
District - East Singhbhum Jamshedpur (Jharkhand)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dr. Nikhil Kumar Son of Shree Rama Shankar Prasad R/o Village - Flat No.-
3, First Floor, Lalmani Sadan, Mohanpur, Punaichak, P.S.- Shastri Nagar,
District- Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anand Kumar Ojha,Adv.
For the Opposite Party/s : Mr.Dashrath Mehta,APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 19-05-2023 Heard the learned counsel for the

petitioner and the learned A.P.P. for the State.

The petitioner apprehends her arrest in
connection with Complaint Case No.4538(C) of
2021, registered for the offences punishable under
Sections 379, 227 and 120(B) of the Indian Penal
Code.

The marriage of the petitioner is stated to
have been solemnized with the complainant on
10.03.2016 and as far as the present case is



concerned, it is alleged by the husband of the petitioner herein, who is the complainant, that on 11.11.2019, the petitioner along with other co-accused persons dishonestly took away all the valuable items like gold ring, gold chain, diamond necklace etc. without informing the complainant.

The learned counsel for the petitioner has submitted that the petitioner is innocent, she has been falsely implicated in the present case and she is having a clean antecedent. The learned counsel for the petitioner has further submitted that though the incident in question is alleged to have taken place on 11.11.2019, but the complaint petition has been vexatiously and belatedly filed only on 14.09.2021, which itself shows the *malafide* intention of the husband of the petitioner. The learned counsel for the petitioner has next submitted that the petitioner has also filed various cases against her husband including the one under Section 498(A) of the Indian Penal Code as also under the provisions of the Domestic Violence Act and this is the reason for the present complaint



being filed by her husband, in order to further harass and torture the petitioner.

Per contra, the learned A.P.P. for the State and the learned counsel appearing for the informant have vehemently opposed the prayer for grant of anticipatory bail and have submitted that the parties can be relegated to the process of mediation for amicably settling the dispute in question, however, this Court finds that the petitioner and the complainant have been engaging in petty fights to satiate their respective egos, hence it does not appear that any fruitful outcome would be achieved by relegating the parties to the process of mediation, especially in view of the fact that the petitioner is not interested in any kind of mediation.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that the present case appears to have been filed



by the complainant by way of counter blast case, apart from the fact that there is a delay of about two years in filing the said complaint case, hence *prima facie*, I find the present case to be a fit case for grant of anticipatory bail, thus I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

Accordingly, the petitioner, above named, is directed to be released on anticipatory bail in the event of her arrest/surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Patna in connection with Complaint Case No.4538(C) of 2021, subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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